

REMARKS

The following remarks are in response to the Office Action dated June 30, 2005. In that Office Action, the Examiner rejected Claims 12-18, 21-25, 27 and 32-35 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,452,255 to Bayan (hereinafter "BAYAN"). Additionally, the Examiner rejected Claims 12-13, 16-18, 22-23 and 32-33 under 35 U.S.C. § 102(e) as being anticipated by U.S. Application No. 10/618,015 to Li, et al. (hereinafter "LI"). Further, Claims 19 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over BAYAN or LI in view of U.S. Patent No. 6,730,544 to Yang (hereinafter "YANG"). Finally, Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over BAYAN or LI in view of U.S. Patent No. 6,281,568 to Glenn, et al. (hereinafter "GLENN").

By the current Amendment, Applicant has amended the Abstract only to correct minor typographical errors therein.

With regard to the prior art based rejections advanced by the Examiner, Applicant respectfully submits that the both BAYAN and LI postdate the priority date of the present application. Under certain conditions and on fulfilling certain requirements, an application for a patent filed in the United States may be entitled to the benefit of the filing date of a prior application filed in a foreign country to overcome an intervening reference. MPEP 201.13. The conditions for benefit of the filing date of a prior application filed in a foreign country are as follows.

(A) The foreign application must be one filed in a foreign country which affords similar privileges in the case of applications filed in the United States or to citizens of the United States or in a WTO member country. Applicant respectfully submits that this first condition is met. As the Examiner recognized in the Office Action, the prior foreign application was filed in the Republic of Korea. MPEP 201.13 lists all of the countries with respect to which the right of priority referred to in 35 U.S.C. 119(a)-(d) has been recognized, and the Republic of Korea is one such listed country. Accordingly, Applicant submits that the foreign application for which priority is claimed is in a "recognized" country.

(B) The foreign application must have been filed by the same applicant (inventor) as the applicant in the United States, or by his or her legal representatives or assigns. Applicant

respectfully submits that this second condition is met. The foreign application was filed by Tae Heon Lee and Mu Hwan Seo, as was the present application and the parent application thereof.

(C) The application, or its earliest parent United States application under 35 U.S.C. 120, must have been filed within 12 months from the date of the earliest foreign filing in a "recognized" country. According to MPEP 201.13(II)(D), the United States nonprovisional application, *or its earliest parent nonprovisional application* under 35 U.S.C. § 120, must have been filed within 12 months of the earliest foreign filing. As set forth in the Substitute Specification filed in relation to the present application on January 23, 2004, the present application is a divisional application of U.S. Application Serial No. 09/687,585 entitled SEMICONDUCTOR PACKAGE HAVING REDUCE THICKNESS filed **October 13, 2000**. U.S. Application Serial No. 09/687,585 issued as U.S. Patent No 6,696,747 on February 24, 2004. Indicated on the face of U.S. Patent No. 6,696,747 is its claim to priority to Korean Application No. 1999-44651 filed October 15, 1999. Accordingly, the *earliest parent nonprovisional application* filing date of October 13, 2000, is within 12 months of the earliest foreign filing date of October 15, 1999. As such, Applicant respectfully submits that this condition is satisfied.

(D) The foreign application must be for the same invention as the application in the United States. Applicant respectfully submits that because the present application is a divisional application of a parent claiming priority to a foreign filed application, it is for the same invention. Accordingly, Applicant submits that this condition is satisfied.

Applicant further notes that because the parent United States application was filed prior to November 29, 2000, the requirement for presenting the claim for priority within specified time limits during the pendency of such parent application is inapplicable under 37 C.F.R. § 1.55(a)(i)(B).

Based on the foregoing, Applicant respectfully submits that all of the conditions for claiming foreign priority under 35 U.S.C. § 119(a)-(d) are satisfied, and that the present application is entitled to a priority date of October 15, 1999. As indicated on its face, BAYAN issued on September 17, 2002, and is based on U.S. Application Serial No. 09/528,662 filed March 20, 2000. Further, LI is a publication dated November 4, 2004 of

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U.S. Application Serial No. 10/618,015 filed June 11, 2003. Accordingly, Applicant respectfully submits that BAYAN and LI do not qualify as prior art under 35 U.S.C. §§ 102(b) and 102(e), respectively, and cannot form the basis for a rejection under 35 U.S.C. § 103(a). Applicant therefore requests that the rejection of Claims 12-27 and 32-35 be withdrawn.

On the basis of the foregoing, Applicant respectfully submits that each and every pending claim of the present invention meets the requirements for patentability and respectfully requests that the Examiner indicate the allowance of Claims 12-27 and 32-35 of the present application. An early Notice of Allowance is therefore respectfully requested. If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 9/15/05

By:



Customer No.: 007663

Mark B. Garred
Registration No. 34,823
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, California 92656
Telephone: (949) 855-1246
Fax: (949) 855-6371

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